

THE SOUTH CAROLINA BOARD OF MEDICAL EXAMINERS
SYNERGY BUSINESS PARK, KINGSTREE BUILDING, ROOM 108
110 CENTERVIEW DRIVE, COLUMBIA, SOUTH CAROLINA 29210

Meeting Called to Order

Public notice of this meeting was properly posted at the South Carolina Board of Medical Examiners Office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Agenda - Monday, August 6, 2018

Review and adoption of Agenda; Approval of May 2018 minutes.

Review and approval of excused absences [Dr. Howell, Dr. Cook (Mon. afternoon)]

President's Report – Jeffrey A. Welsh, M.D.

Physician Compounding-Addison Livingston, R.Ph., Member, S.C. Board of Pharmacy, appearing Mr. Livingston addressed the board on this issue. After extensive discussion of the issues involved, the board passed a motion stating its position that physicians are held to the standards indicated in USP documents 795 and 797. The board will publish an advisory opinion on this matter. Motion Dr. Chow. Second Dr. Schabel. Motion carried.

Question as to delegation to Joint APRN Committee for physicians requesting additional PAs [S345]

Darra Coleman updated the board and its changes and approved a set of Frequently Asked Questions to address inquiries from licensees which will appear on the Board of Medical Examiners and Board of Nursing webpages. Motion Dr. Cook. Second Dr. Januchowski. Motion carried.

The board also here discussed pending revisions to the Telemedicine and Joint Revised Pain Management Guidelines advisory opinions.

Consideration of regulation changes for 2019

Pursuant to the Governor's Executive Order, the board proposed to amend Regulation 81-60 to adopt the AMA Code of Ethics and to strike the first sentence which states the BME shall administer Step Three of the USMLE. Motion Dr. Schabel. Second Dr. Welsh. Motion carried.

Review of 'Start Talking!' Form as required by H3819

The board reviewed and adopted the required form. Motion Dr. Schabel. Second Dr. Saad. Motion carried.

Unlicensed Personnel and the Corporate Practice of Medicine Advisory Opinion-FAQ

This board continued this item to the February 2019 meeting.

Travel Request-2018 FSMB Board Attorney Workshop, November 8-9, 2018, Austin, TX

After discussion, the board authorized travel to this conference by Ms. Coleman. Motion Dr. Saad. Second Dr. Welsh. Motion carried.

Review of FSMB Physician Wellness and Burnout report and recommendations from April 2018 FSMB House of Delegates meeting.

The board reviewed this report and recommendation and accepted it as information.

Healthcare Collaborative Committee

At its meeting on July 13th, 2018, the committee discussed Medication-Assisted Therapy [MAT]. Representatives from DAODAS and RPP appeared at the HCC meeting. After discussion of the issues and review of the issues presented at the HCC meeting, the board deferred further action on this issue.

MOU with LLR for use in a public health emergency

Lilian Peake, M.D. and William Britt, Esq. of DHEC, appearing
Dr. Peake and Mr. Britt requested the board and LLR to coordinate with DHEC and explore an MOU with DHEC for communication of information to licensees during a public health emergency such as bio-terrorism or Ebola. Motion Dr. Schabel. Second Dr. Wright. Motion carried.

Request for permission to prescribe ADHD medication via telemedicine as part of a school-based platform. Claire A. MacGeorge, MD, MUSC, Department of Pediatrics, James T. McElligott, MD and Kathryn Cristaldi, MD, MHS both of MUSC appeared before the board. After discussion, the board approved the request as presented. Motion Dr. Januchowski. Second Dr. Schabel. Motion carried.

Executive Session to receive legal advice regarding proposed revisions to advisory opinions to comport with recent statutory changes

Administrator's Report – Sheridan Spoon, Administrator

1. Physician Assistant Advisory Committee [Consideration of appointment of Jessica Seel as replacement for Stacey Day Halford, Consumer member] After discussion, the board approved the appointment of Ms. Seel as well as the other proceedings and minutes of the PA Advisory Committee meeting of July 13, 2018.
2. Respiratory Care Practitioner Advisory Committee-Committee Member vacancies-Garrett Galloway and Scott Crego] Proposed replacements: Angela Harville, RCP,RRT, Brooke Yeager, MSC, RRT, Joel Livesay, MS, RRT, RVT. After discussion, the board approved the appointment of Angela Harville, RCP, RRT, Brooke Yeager, MSC, RRT, Joel Livesay, MS, RRT, RVT as well as the other proceedings and minutes of the RCP Advisory Committee meeting of July 20, 2018.
3. Acupuncture Advisory Committee-After discussion, the board approved the four acupuncture licenses issued.
4. Joint Podiatric Surgery Advisory Committee and appointments [H3622]
After discussion, the board appointed Dr. John W. Womack, III of Greenville to the committee. Motion Dr. Saad. Second Dr. Wright. Motion carried. The appointed Dr. Blake L. Ohlson of Charleston to the committee. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

URETZKY, Ira D., M.D. of Peoria, IL, Applicant for Licensure

Approved for licensure without condition. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

HUTCHINS, Joshua C. M.D. of Daniel Island, S.C., MOA-2016-489 and Petition for Release from terms and conditions-2015-157; 2016-187; 2016-199 [Closed Hearing]

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act. Public Reprimand. Investigative costs of \$320.00 to be paid within six months. Reinstatement of license. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

PARVATHANENI, Sirish V., M.D., of Springfield, Mo., Applicant for Licensure

Approved for licensure without condition. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

KILGORE, Brandon H., M.D. of Columbia, S.C., Applicant for Licensure

Approved for licensure without condition. Motion Dr. Schabel. Second Dr. Wright. Motion carried.

OPPENHEIMER, Jeffrey H., M.D., of Boca Raton, FL, Applicant for Licensure

Application withdrawn. Motion to accept withdrawal. Dr. Schabel. Second Dr. Januchowski. Motion carried.

SOMMER, John T., M.D., of Radnor, Pa., Applicant for Licensure

Approved for licensure without condition. Motion Dr. Wright. Second Dr. Schabel. Motion carried.

SAVIT, Russ M., of Mosman, Australia, Applicant for Licensure

Approved for licensure without condition. Motion Dr. Dilts. Second Dr. Schabel. Motion carried.

DOMINIQUE, Devanand A., M.D. of Camp Hill, Pa., Applicant for Licensure

Approved for licensure without condition. Motion Dr. Saad. Second Dr. Chow. Motion carried.

2017-288, MOA

The Memorandum of Agreement is accepted. Respondent has not violated the Medical Practice Act of South Carolina. Letter of Caution. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

ENGLEMAN, Robert A. M.D. of Myrtle Beach, S.C., 2009-42, 2014-416, Stipulation of Facts [Closed Hearing]

The Memorandum of Agreement and Stipulation of Facts is accepted. Respondent has violated the Medical Practice Act of South Carolina. Public reprimand. Civil penalty of \$5,000.00 to be paid within six months. Investigative costs of \$1,750.00 to be paid within six months. Suspension of license stayed upon the following conditions: That the Respondent complete and pass a medical recordkeeping course approved by board within six months. Respondent must complete a board-approved responsible prescribing course approved within six months. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

2014-343, MOA

The Memorandum of Agreement is not accepted. Respondent has not violated the Medical Practice Act. Letter of Caution. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

HERNANDEZ, Jose J., M.D. of Conway, S.C., 2013-242, Petition for Release from terms and conditions.

[Closed Hearing] Petition for release from terms and conditions is granted. Motion Dr. Schabel. Second Dr. Saad. Motion carried.

GRAHAM III, Toney, M.D., of Lake City, S.C., 2015-500

Petition for Release from terms and conditions. [Closed Hearing]

Increase Respondent's number of work hours per week to 50 or less. Lift previous narcotic restrictions May reappear before the board no sooner than six months for relief. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

-Recess-

Agenda- Tuesday, August 7, 2018

Office of Disciplinary Counsel and Office of Investigations and Enforcement Report

Pat Hanks, Office of Disciplinary Counsel, Gregg Hinson, Office of Investigations and Enforcement

In addition to the case statistics and training received by OIE staff, there were 251 active cases. 67 Dismissals, 4 Dismissals with an Order to Cease and Desist, 13 Letters of Caution and 29 Formal Complaint IRC recommendations were presented to the board for approval.

Motion to accept Dismissals and Order to Cease and Desist-Motion by Dr. Schabel. Second by Dr. Chow. Motion carried. Motion to accept Letters of Caution- Motion by Dr. Welsh. Motion carried by acclamation. Motion to accept Formal Complaints- Motion by Dr. Schabel. Second by Dr. Saad. Motion carried.

2016-416, MOA [Closed Hearing]

The Memorandum of Agreement and Stipulation of Facts is accepted Respondent has violated the Medical Practice Act. Private reprimand. Respondent's license will remain suspended with conditions for reinstatement Motion Dr. Saad. Second Dr. Schabel. Motion carried.

2015-262, MOA [Closed Hearing]

The Memorandum of Agreement is accepted. Respondent has not violated the Medical Practice Act. Letter of Caution. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

2017-417, MOA [Closed Hearing]

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act. Private reprimand. License suspension stayed upon the following conditions: Respondent may only work at a worksite approved by the South Carolina Board of Medical Examiners. Respondent may not work more than 40 hours per week. The Respondent may reappear before the board no sooner than 12 months to petition for relief from these conditions. Motion Dr. Saad. Second Dr. Chow. Motion carried.

2017-232, 2017-259, MOA [Closed Hearing]

The Memorandum of Agreement and Stipulations is accepted. Respondent has violated the Medical Practice Act. Private reprimand. Investigative costs in the amount of \$125.00 to be paid within six months. Motion Dr. Saad. Second Dr. Wright. Motion carried.

2014-81, MOA [Closed Hearing]

The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act. Private reprimand. Investigative costs in the amount of \$1,000.00 to be paid within six months. Respondent must complete a recordkeeping course approved by the board to within six months. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

RUBEL, Christopher J., M.D. of Greenville, S.C., 2018-1, MOA [Closed Hearing]

Motion One: The Memorandum of Agreement is accepted. Immediate and permanent revocation of license. Motion Dr. Saad. Second Dr. Schabel. Motion failed. [3-4]

Motion Two: The Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act of South Carolina. Public reprimand. Civil penalty of \$5,000.00 to be paid within six months Investigative costs of \$200.00 to be paid within six months. Immediate suspension of medical license for a period of no less than two years with conditions. At the end of two years, Respondent may re-appear before the board for reinstatement of his license. Motion Dr. Saad. Second Dr. Januchowski. Motion carried.

DANIELS, Brandon L., M.D. of Aiken, S.C., Petition for Reinstatement

Reinstatement of medical license upon with the condition that Respondent may only practice at a board-approved site. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

2017-184, MOA [Closed hearing]

Memorandum of Agreement is accepted. Respondent has violated the Medical Practice Act. Private reprimand. Investigative costs for \$491.00 to be paid within six months. Respondent must remain in compliance with all recommendations and treatments as suggested by the South Carolina Recovering Professionals Program for no less than five years. Respondent must continue individual counseling. Respondent must follow up with a board-approved addictionologist quarterly until further notice. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

2017-147, 2017-178, 2017-502, 2017-512, 2017-522, 2017-552, MOA [Closed Hearing]

The Memorandum of Agreement and is accepted. Respondent has violated the Medical Practice Act of South Carolina, namely 40-47-110(B) (9) and 40-47-113. Private reprimand. Respondent's medical license is reinstated on the following conditions: Respondent must limit his practice to twelve 12-hour emergency department shifts with three shifts per week maximum. Investigative costs of \$1,250.00 to be paid within six months. Respondent must complete a board-approved recordkeeping course within six months. He may reappear before the board no less than six months to petition for relief from these conditions. Motion Dr. Saad. Second Dr. Schabel. Motion carried.

Public Comment

Adjourn

Upcoming Meetings

November 5-7, 2018

February 4-6, 2019

May 6-8, 2019

August 5-7, 2019